

plaintiff's claims arising under the common law of the State of Oregon pursuant to 28 U.S.C. §1367.

Parties

2.

Plaintiff is a physician residing in and practicing medicine in Benton County. Benton County is a political subdivision of the State of Oregon. At all material times defendant Jerry Williams was a Deputy Sheriff employed by Coos County, and was acting under the color of law in the said capacity and pursuant to the policies of Benton County as promulgated by its Sheriff.

Common Allegations

3.

Plaintiff suffers from sleep apnea, diabetes, hypertension, thyroid deficiency and episodic hypoglycemia. While driving toward Corvallis from Monmouth in the early morning of January 12, 2011 after a night with only brief periods of sleep due to calls from patients, plaintiff fell asleep at the wheel and drove off the roadway of Highway 99W and into a field, causing major damage to the driver's side of the vehicle and causing plaintiff to suffer shock. Defendant Williams arrested plaintiff for driving while intoxicated, while lacking a warrant or probable cause to believe that plaintiff had committed that or any other crime. Defendant Williams transported plaintiff to the Benton County jail, and administered a blood alcohol test which produced a level of 0.00%. Defendants obtained a blood sample for testing for controlled substances and it detected no controlled substances in a level that could cause impaired driving.

CLAIM FOR RELIEF — 42 U.S.C. §1983 CLAIM

(Defendants Williams and Benton County)

4.

On January 12, 2011, defendant Williams, acting under the color of law and

pursuant to the policies and practices of Benton County, seized plaintiff's person absent a warrant or probable cause and caused him to be confined in the Benton County Jail. The said unreasonable seizure of plaintiff's person by defendants caused plaintiff to suffer injury to his personal and professional reputation, humiliation, and extreme emotional distress, to his economic damage in the sum of \$15,000 and his noneconomic damage in the sum of \$120,000. The said unreasonable seizure by defendant Williams was willful and intentional, and undertaken by him in reckless disregard and wanton indifference to plaintiff's constitutional rights, and plaintiff is thereby entitled to recover of defendant Williams punitive damages in the sum of \$60,000.

5.

Plaintiff demands trial of this claim for relief by a jury.

Attorney Fee Claim

6.

Pursuant to 42 U.S.C. §1988, plaintiff is entitled upon prevailing in any particular of this claim for relief to recover of defendant his reasonable attorney fees upon this action.

WHEREFORE, plaintiff now prays for trial of his claim for relief by a jury, and for judgment against defendants for all damages and remedies alleged herein, together with his reasonable costs, disbursements and attorney fees upon this action.

Dated: January 7, 2013

SUBMITTED by:

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